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5 UNITED STATES BANKRUPTCY COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 In re: Leksen,
9 Debtor.
10 Soc Sec No XXX-XX-3603

Case No. 15-11851

Chapter 13

Adversary Proceeding No.

11 KRISTI NOEL LEKSEN, aka KRISTI NOEL LEKSEN
12 GALVIN, aka KRISTI NOEL GALVIN,
13 Plaintiff,

COMPLAINT TO DETERMINE
DISCHARGEABILITY OF
EDUCATIONAL LOAN

14 v.

15 UNITED STATES DEPARTMENT OF
16 EDUCATION; UNITED STUDENT AID FUNDS, INC.,
17 a Delaware Corporation; NAVIENT SOLUTIONS, Inc, a
18 Delaware Corporation and a servicer of United Student
19 Aid Funds, Inc; The First Marble Head Corporation, a
20 Massachusetts privately held company; The National
21 Collegiate Funding LLC; a Delaware LLC; National
22 Collegiate Student Loan Trusts, 1 through 15; GSS Data
23 Services, Inc, administrator for and on behalf of National
24 Collegiate Student Loan Trusts 1 through 15; US Bank,
25 NA, a National Banking Association, special servicer of
26 National Collegiate Student Loan Trusts 1 through 15;
27 and, Transworld Systems, Inc, special subservicer of US
28 Bank, NA for National Collegiate Student Loan Trusts 1
through 15,

Defendants.

COMPLAINT - 1

Mary E. Schmitt

Attorney at Law

WSBA #21530

3525 Colby Avenue, Suite 100

Everett, WA 98201-4782

425-252-5567 FAX 425-303-8925

1 Plaintiff, KRISTI NOEL LEKSEN, aka KRISTI NOEL LEKSEN GALVIN, aka KRISTI NOEL
2 GALVIN (hereinafter "Plaintiff"), Debtor in the above-referenced case, through the attorney of record,
3 Mary Schmitt, complains of defendants and shows the court as follows:

4 **I. PARTIES AND JURISDICTON**

5 1. On March 26, 2015, Plaintiff filed the voluntary petition in the United States Bankruptcy
6 Court for the Western District of Washington under Chapter 13 of Title 11 of the United States
7 Bankruptcy Code, whereupon an order of relief was entered.

8 2. Defendant, United States Department of Education (hereinafter "US Department of
9 Education"), is on information and belief, the guarantor of the educational loans which are the subject of
10 this proceeding.

11 3. Defendant, United States Aid Fund, Inc (hereinafter "USAF") is a Delaware Corporation
12 conducting business in the State of Washington. USAF is the holder of the note for education loan
13 #*0701 of the Federal Family Education Loan Program (hereinafter "FFELP"), a subject of this
14 proceeding;

15 4. Defendant, Navient Solutions, Inc, a Delaware Corporation, (hereinafter "Navient") is the
16 service provider for USAF for educational loan account #*0701 and is conducting business in the State
17 of Washington;

18 5. Defendant, The First Marblehead Corporation is a Massachusetts privately held
19 conducting business in the State of Washington, Defendant was the purchaser of the PNC Bank loan
20 #*0628;

21 6. Defendant The National Collegiate Funding LLC, (hereinafter "National Collegiate
22 Funding") is a Delaware LLC conducting business in the State of Washington;

23 7. Defendant National Collegiate Student Loan Trusts 1 through 15, are student loan trusts
24 created by National Collegiate Funding and said trusts hold the educational loan, original PNC Bank loan
25 #*0628, a subject of this adversary proceeding;

26 COMPLAINT - 2

27 **Mary E. Schmitt**
28 Attorney at Law
WSBA #21530
3525 Colby Avenue, Suite 100
Everett, WA 98201-4782
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8. Defendant, GSS Data Services, Inc (hereinafter "GSS") is conducting business in the State of Washington. GSS is the administrator for and on behalf of the National Collegiate Student Loan Trusts 1 through 15;

9. Defendant, US Bank, NA, is a National Banking Association, (hereinafter "US Bank") conducting business in the State of Washington. US Bank is a special servicer for National Collegiate Student Loan Trusts 1 through 15;

10. Defendant, Transworld Systems, Inc, is conducting business in the State of Washington, and is a special subservicer to US Bank for the National Collegiate Student Loan Trusts 1 through 15;

11. This is an action to determine the dischargeability of Plaintiff's educational loans. The Court has jurisdiction over this action under 28 U.S.C. §1334. This proceeding is a core proceeding.

II. FACTUAL ALLEGATIONS

1. The educational loans were incurred to pay expenses at Gonzaga University;

2. The educational loans owing to Defendants are listed on Schedule F of Plaintiff's bankruptcy schedules;

3. The Plaintiff received a degree in psychology in 1998 and a graduate degree in community counseling in 2005.

4. After graduation, Plaintiff married and then divorced. Plaintiff is the single parent of a minor child and the family's sole source of income.

5. Plaintiff has recently become employed in her field. However, Plaintiff's income is not sufficient to make any payments on her educational loans. Plaintiff does not anticipate ever making sufficient funds to payoff her educational loans.

III. FIRST CAUSE OF ACTION **DISCHARGE OF EDUCATIONAL LOANS**

1. Paragraphs 1.1 through 2.3 are hereby incorporated.

COMPLAINT - 3

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Attorney at Law
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2. Given the totality of the circumstances, any payments made on educational loans would cause great hardship to the Plaintiff and her child.

3. Excepting the educational loans from discharge would impose an undue hardship on the debtor and the debtors dependents. *11 U.S.C. §523 (8)*

IV. PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays as follows:

1. That this Court enter an Order declaring the student loan debt of the Plaintiff to be dischargeable in the bankruptcy case;

2. That this Court grant Plaintiff such other further relief as the court might deem to be just and proper.

DATED this 3rd day of September, 2015.

/s/Mary E. Schmitt

Mary E. Schmitt, WSBA #21530

Attorney for Plaintiff

COMPLAINT - 4

Mary E. Schmitt

Attorney at Law

WSBA #21530

3525 Colby Avenue, Suite 100

Everett, WA 98201-4782

425-252-5567 FAX 425-303-8925